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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE USACM
LIQUIDATING TRUST'S OMNIBUS
OBJECTION TO ALLOWANCE OF
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE UNIVERSAL
HAWAII LOAN, EXCEPT FOR
AMOUNTS DESIGNATED AS
"UNREMITTED PRINCIPAL"**

Date of Hearing: September 30, 2011

Time of Hearing: 9 30 a.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST MAY BE SEEKING TO DISALLOW A
PORTION OF YOUR CLAIM BASED UPON AN INVESTMENT IN THE
UNIVERSAL HAWAII LOAN. THE USACM TRUST ACKNOWLEDGES THAT
YOU HAVE A VALID CLAIM FOR UNREMITTED (STOLEN) PRINCIPAL
RELATED TO THE UNIVERSAL HAWAII LOAN AND IT IS ASKING THE
COURT TO ALLOW THAT CLAIM. BUT THE USACM TRUST IS ALSO
SEEKING TO DISALLOW THE PORTION OF YOUR PROOF OF CLAIM, IF
ANY, THAT IS NOT BASED UPON UNREMITTED PRINCIPAL. THIS**

1 **OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS**
2 **BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
7 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
8 **HINDERAKER (520-629-4430).**

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
10 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
11 Investment in the Universal Hawaii Loan, Excepts for Amounts Designated as
12 “Unremitted Principal” (with Certificate of Service) (the “Objection”). Your Proof of
13 Claim number and other information regarding your claim is provided in **Exhibit A**,
14 attached to the Objection. The USACM Liquidating Trust has requested that this Court
15 enter an order, pursuant to section 502 of title 11 of the United States Code (the
16 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
17 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an
18 investment in the Universal Hawaii Loan, except for the “Unremitted Principal”. The
19 Objection will not impact your Claim to the extent it is based upon an investment in a
20 different loan.

21 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
22 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
23 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
24 **September 30, 2011, at the hour of 9:30 a.m.**

25 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
26 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**

**CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO
ARGUMENTS WILL BE HEARD ON THAT DATE.**

NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 3, 2011.

LEWIS AND ROCA LLP

By s/ John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class postage prepaid U.S. Mail on August 3, 2011 to all parties listed on Exhibit A attached to the objection.

LEWIS AND ROCA LLP

/s/ Matt Burns

Matt Burns, Paralegal